

ORIGINAL

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 28 2019 ★

BROOKLYN OFFICE

AUGUST 27, 2019

AFFIDAVIT

Eduardo Tineo
1475 East 84th Street
Brooklyn, NY 11236

Judge Jack B. Weinstein
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11722



RE: REQUEST FOR CERTIFICATE OF DEFAULT Case No: 1:17-cv-5119-JBW-RML

Dear Mr. Palmer:

In response to the REQUEST FOR CERTIFICATE OF DEFAULT, Case No: 1:17-cv-5119-JBW-RML, filed in this Court on July 23, 2018, I request that the plaintiff's motion be dismissed based on the fact that I was not properly served it was submitted fraudulently. The plaintiff has falsely claimed that a Notice of Service was delivered to me in person or to another person on behalf of me by Melvin Rolfe from Alstate Process Service Inc. on Sep 07, 2017 at 11:53 AM (see Affirmation EXHIBIT A) while this event has never actually occurred. From Sept 01, 2017 to Sept 15, 2017, I was not physically present in New York City or any other person at 1475 East 84th Street. Hence it was impossible for me to have been served by any representative of the plaintiff. There are sufficient grounds for denial of this Certificate of Default since the plaintiff has unscrupulously attempted to foreclose on the Court's action by misrepresenting an event that never took place. The burden of proof is encumbered on the plaintiff.

I certify under penalty of perjury that the above statement is true and respectfully request that the plaintiff's request be denied.

Respectfully submitted,


Eduardo Tineo

SWORN TO BEFORE ME
THIS 27th DAY OF AUG 2019



KENNETH AMISBAH FORKEY
Notary Public, State of New York
No. 01FO6230526
Qualified in Kings County
Commission Expires Nov. 1, 2022

**STATE OF NEW YORK
COUNTY OF KINGS
COUNTY CLERK'S OFFICE**

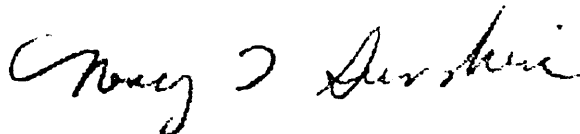
SS:

I, Nancy T. Sunshine, County Clerk of the County of Kings, State of New York and also Clerk of the Supreme Court in and for said County and State, the same being a Court of Record and having a seal;

**DO HEREBY CERTIFY THAT FORKEY, KENNETH AMISSAH 01FO6230526
Term 11/1/2018 to 11/1/2022**

Whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York, duly commissioned and sworn and qualified to act as such throughout the State of New York; that pursuant to law a commission, or a certificate of their official character, and autograph signature, have been filed in my office; that as such the Notary Public was duly authorized by the laws of the State of New York to administer oaths and affirmations, to receive and certify the acknowledgment or proof of deeds, mortgages, powers of attorney and other written instruments for lands, tenements and hereditaments to be read in evidence or recorded in this State, to protest notes and to take and certify affidavits and depositions; and that I am well acquainted with the handwriting of such Notary Public or have compared the signature on the annexed instrument with their autograph signature deposited in my office,

IN WITNESS WHERE OF, I have hereunto set my hand and affixed my official seal at Brooklyn, Kings County, New York on August 26, 2019



**NANCY T. SUNSHINE
KINGS COUNTY CLERK**

JURAT

CERTIFICATE OF MAILING

From: Eduardo Tineo
1475 East 84th Street
Brooklyn, NY 11236

August 25, 2019

U.S.P.S. CERTIFIED MAIL # 7019 0140 0000 1895 6140
Mailing Date August 26, 2019

To: LoanCare
3637 Sentara Way
Virginia Beach, VA 23452
Att: Loss Mitigation Dept

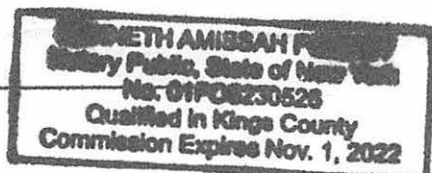
Cc: LoanCare CEO, Rodney Moss
Cc: CIT Bank Chairman/CEO, Ellen R Alemany
Cc: LoanCare COO, Ralph Carrigan
Cc: US Dept. HUD Regional Administrator, Lynne Patton
Cc: US Attorney's Office, Eastern District, Chief/Civil Division, Susan L. Riley
Cc: Consumer Financial Protection Bureau, Director, Kathy Kraninger
Cc: NY Dept of Financial Services, Chief/Superintendent, Linda Lacewell
Cc: Federal Housing Finance Agency, Director, Joseph Otting
Cc: U.S. District Court, Eastern District of New York, Judge Jack B. Weinstein

Enclosed;

Loan Modification Documents
Loan no. 5500070353 – CIT BANK
CIVIL DOCKET CASE # 1:17cv05119 U.S. District Court, Eastern District
Matter of - TINEO, EDUARDO
Property; 1475 East 84th street
Brooklyn, NY 11236

I, KENNETH AMISSAH FORKEY, the undersigned duly affirmed, and 'in my proper person'; and over the age of 18, do hereby certify and affirm that the foregoing is true and correct to the best of my knowledge: I am not a party to the above entitled matter and, will be only functioning as a neutral witness, not condoning, supporting or agreeing with one's process. There of just witnessing the mailing and receiving of correspondence. On the date stated below, I serve this 'Notice' by placing a true copy thereof in an envelope, which is addressed, as shown above, and then by sealing the said envelope, with postage 'U.S.P.S. CERTIFIED MAIL # 7019 0140 0000 1895 6140' thereon, and to be placed in the United States Post Office local facility in North America for delivery.

My commission expires _____



Kenneth Amisshah Forkay Notary Public
Signature

(Seal)

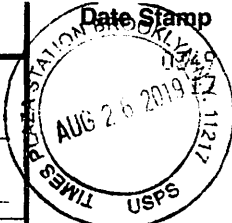
SWORN TO BEFORE ME
THIS 26TH DAY OF AUG 2019

Registered No.

RF111070552US

Date Stamp

To Be Completed By Post Office	Postage \$	\$10.40	Extra Services & Fees (continued)
	Extra Services & Fees		<input type="checkbox"/> Signature Confirmation
	<input type="checkbox"/> Registered Mail \$	\$12.40	<input type="checkbox"/> Signature Confirmation Restricted Delivery
	<input type="checkbox"/> Return Receipt (hardcopy) \$	\$2.80	
	<input type="checkbox"/> Return Receipt (electronic) \$	\$0.00	
	<input type="checkbox"/> Restricted Delivery \$	\$0.00	Total Postage & Fees \$25.60
	Customer Must Declare Full Value \$	\$0.00	Received by 08/26/2019
			Domestic Insurance up to \$50,000 is included based upon the declared value. International indemnity is limited. (See Reverse)



TIMES PLAZA
539 ATLANTIC AVE
BROOKLYN, NY 11217-9996
350877-0349
(800)275-8777
08/26/2019 03:30 PM

To Be Completed By Customer (Please Print) All Entries Must Be In Ballpoint or Typed	FROM	BROOKLYN, NY 11217 EDUARDO TINERO 1475 East 84th St Brooklyn, N.Y. 11210
	TO	LOAN CARE Services 601 BAYVIEW BLVD FL 32204 JACKSONVILLE, FL 32204 At: Tenisa Brooks; Asst Sect

PS Form 3806, Registered Mail Receipt Copy 1 - Customer
April 2015, PSN 7530-02-000-9051 (See Information on Reverse)
For domestic delivery information, visit our website at www.usps.com

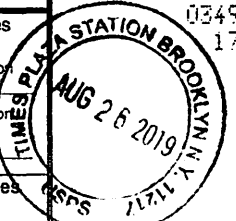
Product	Qty	Unit Price	Price
PM 2-Day (Domestic) (VIRGINIA BEACH, VA 23452) (Weight: 1 Lb 4.80 Oz) (Expected Delivery Day) (Wednesday 08/28/2019)	1	\$8.30	\$8.30
Registered (Amount: \$0.00) (USPS Registered Mail #) (RF111070566US)			\$12.40
Return Receipt (USPS Return Receipt #) (9590940253369154040998)			\$2.80
PM 2-Day (Domestic) (JACKSONVILLE, FL 32204) (Weight: 1 Lb 4.50 Oz) (Expected Delivery Day) (Wednesday 08/28/2019)	1	\$10.40	\$10.40
Registered (Amount: \$0.00) (USPS Registered Mail #) (RF111070552US)			\$12.40
Return Receipt (USPS Return Receipt #) (9590940253369154041100)			\$2.80
Total			\$49.10

Registered No.

RF111070566US

Date Stamp

To Be Completed By Post Office	Postage \$	\$8.30	Extra Services & Fees (continued)
	Extra Services & Fees		<input type="checkbox"/> Signature Confirmation
	<input type="checkbox"/> Registered Mail \$	\$12.40	<input type="checkbox"/> Signature Confirmation Restricted Delivery
	<input type="checkbox"/> Return Receipt (hardcopy) \$	\$2.80	
	<input type="checkbox"/> Return Receipt (electronic) \$	\$0.00	
	<input type="checkbox"/> Restricted Delivery \$	\$0.00	Total Postage & Fees \$23.50
	Customer Must Declare Full Value \$	\$0.00	Received by 08/26/2019
			Domestic Insurance up to \$50,000 is included based upon the declared value. International indemnity is limited. (See Reverse)



To Be Completed By Customer (Please Print) All Entries Must Be In Ballpoint or Typed	FROM	BROOKLYN, NY 11217 EDUARDO TINERO 1475 East 84th St Brooklyn, N.Y. 11210
	TO	Loan Care 36 VIRGINIA BEACH, VA 23452 Virginia Beach, Virginia 23452 At: Loss Mitigation Dept

PS Form 3806, Registered Mail Receipt Copy 1 - Customer
April 2015, PSN 7530-02-000-9051 (See Information on Reverse)
For domestic delivery information, visit our website at www.usps.com

Debit Card Remit'd \$49.10
(Card Name: VISA)
(Account #: XXXXXXXXXX5654)
(Approval #)
(Transaction #: 252)
(Receipt #: 022436)
(Debit Card Purchase: \$49.10)
(Cash Back: \$0.00)
(AID: A0000000980840 Chip)
(AL: US DEBIT)
(PIN: Verified)

Includes up to \$50 insurance

Due to the security of Registered Mail, an additional 3-10 delivery days

**STATE OF NEW YORK
COUNTY OF KINGS
COUNTY CLERK'S OFFICE**

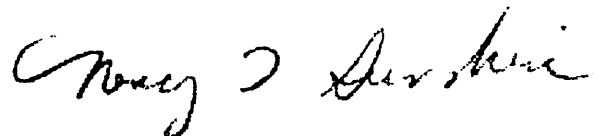
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Brooklyn, NY 11236

August 25, 2019

U.S.P.S. CERTIFIED MAIL # 7017 3380 0000 5785 7803
Mailing Date August 26, 2019

To: LoanCare Servicing
601 Riverside Ave
Jacksonville, Florida 32204
Att: Tenisa Brooks, Assistant Secretary

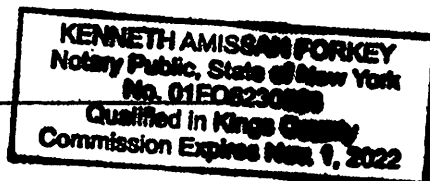
Cc; LoanCare CEO, Rodney Moss
Cc; CIT Bank Chairman/CEO, Ellen R Alemany
Cc; LoanCare COO, Ralph Carrigan
Cc; US Dept. HUD Regional Administrator, Lynne Patton
Cc; US Attorney's Office, Eastern District, Chief/Civil Division, Susan L. Riley
Cc; Consumer Financial Protection Bureau, Director, Kathy Kraninger
Cc; NY Dept of Financial Services, Chief/Superintendent, Linda Lacewell
Cc; Federal Housing Finance Agency, Director, Joseph Otting
Cc; U.S. District Court, Eastern District of New York, Judge Jack B. Weinstein

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Matter of - TINEO, EDUARDO
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(Seal)

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